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13 Attorneys for Plaintiffs

15 IN THE UNITED STATES DISTRICT COURT
 16 FOR THE EASTERN DISTRICT OF CALIFORNIA

19 RALPH COLEMAN,
 20 Plaintiff,

21 v.

22 ARNOLD SCHWARZENEGGER, et al.,
 23 Defendants.

Case No. CIV S 90-520 LKK-JFM

**STIPULATION AND ORDER
 TEMPORARILY STAYING ALL
 ATTORNEYS’ FEES, COSTS, AND
 EXPENSES RELATED TO ALL WORK
 BEFORE THE THREE-JUDGE PANEL
 UNTIL OCTOBER 1, 2010**

1 **STIPULATION TO TEMPORARILY STAY ALL ATTORNEYS' FEES,**
2 **COSTS, AND EXPENSES RELATED TO ALL WORK BEFORE THE**
3 **THREE-JUDGE PANEL UNTIL OCTOBER 1, 2010**

4 Plaintiffs and defendants STIPULATE as follows:

5 1. In briefs filed with this court regarding plaintiffs' attorneys' fees and expenses
6 incurred before the Three-Judge panel, plaintiffs have sought an award of attorneys' fees and
7 costs for work performed in connection with the Three-Judge Panel proceedings. Defendants
8 have contended that a fees and costs award is premature and that the single judges lack
9 jurisdiction over these fees matters. Nothing in this Stipulation may be deemed a concession of
10 any party's positions on entitlement to or reasonableness of attorneys' fees and costs.

11 2. In *Plata v. Schwarzenegger*, defendants moved for a stay of attorneys' fees matters
12 related to work before the Three-Judge Panel. *Plata* Docket 2227. Plaintiffs in the *Plata* case
13 disputed defendants' legal arguments, but did not contest the imposition of a stay until July 1,
14 2010. *Plata* Docket 2241. Judge Henderson subsequently granted a temporary stay until July 1,
15 2010. *Plata* Docket 2255.

16 3. The parties in this case also jointly agree to stay all attorneys' fees, costs and
17 expense matters related to the Three-Judge Panel and related appeals until October 1, 2010. In so
18 doing, plaintiffs do not waive and will enforce their right to interest in accordance with the
19 provisions set forth in the March 19, 1996 *Coleman* Periodic Fees order. Defendants do not
20 waive any rights or arguments to object to any and all fees and costs or to appeal any order
21 regarding fees and costs arising out of the Three-Judge Court proceedings. For the duration of
22 the stay, any and all deadlines relating to motions or claims for attorneys' fees, costs, and
23 expenses contained in the Federal Civil Rules, the Federal Appellate Rules, the U.S. Supreme
24 Court Rules, and/or the Local Rules for the Eastern District of California are stayed. If either

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1 party seeks to extend the stay beyond October 1, 2010, the party may do so by seeking a
2 subsequent stipulation or by filing a noticed motion before this Court.

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Dated: February 12, 2010

Respectfully submitted,
ROSEN, BIEN & GALVAN, LLP
By: /s/ Amy Whelan
Amy Whelan
Attorney for *Coleman* Plaintiffs

Dated: February 12, 2010


Office of the Attorney General
By: /s/Samantha Ramsey for
Debbie Vorous, Deputy Attorney General
Attorney for *Coleman* Defendants

1 **ORDER TEMPORARILY STAYING ALL ATTORNEYS' FEES, COSTS,**
2 **AND EXPENSES RELATED TO ALL WORK BEFORE THE THREE-**
3 **JUDGE PANEL UNTIL OCTOBER 1, 2010**

4 Pursuant to the stipulation of the parties, and good cause appearing, this Court stays all
5 attorneys' fees, costs and expense matters related to the Three-Judge panel until October 1, 2010.
6 Plaintiffs have preserved and do not waive their right to claim interest in accordance with the
7 provisions set forth in the March 19, 1996 *Coleman* Periodic Fees order. For the duration of the
8 stay, any and all deadlines relating to motions or claims for attorneys' fees, costs, and expenses
9 contained in the Federal Civil Rules, the Federal Appellate Rules, the U.S. Supreme Court Rules,
10 and/or the Local Rules for the Eastern District of California do not apply. If either party seeks to
11 extend the stay beyond October 1, 2010, the party may do so by seeking a subsequent stipulation
12 or by filing a noticed motion before this Court.

12 **IT IS SO ORDERED.**

13 Dated: February 16, 2010

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16 LAWRENCE K. KARLTON
17 SENIOR JUDGE
18 UNITED STATES DISTRICT COURT
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